

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
AUGUST 4, 2003**

PRESENT: Barbara Flaherty, Laura Jenkins, Leon Lauer, Lee Martinez, Denise Svetly, Bruce Bennett

EXCUSED: Marvile Martin, Lee Martinez left at 11:45 a.m.

STAFF PRESENT: Patricia Hoeft, Division Administrator; John Schweitzer, Legal Counsel; Pat Schenck, Program Assistant; Judy Mender, Jan Bobholz Credentialing; Roxanne Peterson, Board Services; and Division of Enforcement staff.

GUESTS: Jan Studesville, Just Nails/NCAW; Miekka Rolnecki, Julie Laehn, Jolene LeMaster, and Nancy Pazzao, State College of Beauty, Wausau; Alex DeLeon, Bureau of Apprenticeships; Avita Regan, L.E., Aviderm LLC; Kristi Wolff, L. E. RMT, Essential Bodyworks, LLC; Kitty Alaily Owner/Dir Franchise Cost Cutters; Kristin Sullivan, Kristin Kowalewski, Tami Baukner, Mary Lou Richter, and Julie Biar, Cost Cutters; Audrey Sann, NCA; Ron Gilchrist, United Barber & Cosmetology # 62.

CALL TO ORDER

Leon Lauer, Chair, called the meeting to order at 9:35 a.m. A quorum of 6 members was present. At 11:45 a.m. five members were present.

AGENDA

Additions to agenda:

- Under item 16. c. viii. - Add Stipulation for Dale and Donna Baker, d/b/a European Nail and Skin Center (Brookfield)
- Under item 16. c. ix. - Add Stipulation for Reesasue L. Pieper, d/b/a Reesas Hair Hut (Green Bay)
- Under item 6. b. - Add letter from Kitty Alaily.

MOTION: Bruce Bennett moved, seconded by Lee Martinez, to approve the agenda with the additions. Motion carried unanimously.

MINUTES OF JUNE 2, 2003

Amendments to minutes:

- Page 6 under “Continuing Education Committee” - change first sentence to read: Barbara Flaherty reported that the Continuing Education Committee was unable to meet today because the meeting was not noticed to the public.
- Page 6 “Scope Statement” - change motion to read: to accept the scope statement for Phase I Amendment to the Rules as described in Wayne Austin’s April 29th memo.

MOTION: Denise Svetly moved, seconded by Laura Jenkins, to approve the minutes of June 2, 2003 with the amendments. Motion carried unanimously.

**ADMINISTRATIVE REPORT
PATRICIA HOEFT, DIVISION ADMINISTRATOR**

Patricia Hoeft, Division Administrator of Board Services, introduced herself to the Board. Ms. Hoeft announced that John Schweitzer will be replacing Wayne Austin as Legal Counsel and that Otis Nickson has resigned as Bureau Director of Business and Design. The Department is currently looking for a replacement.

BOARD ROSTER

Karen Kraus resigned from the Board.

2003 MEETING DATES

Next Board meeting: October 6, 2003.

**SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES
AND ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

**BARBARA FLAHERTY, VICE CHAIRPERSON
BARBERING AND COSMETOLOGY BOARD
REPORT ON SECRETARY’S JUNE 24, 2003 MEETING WITH BOARD CHAIRS**

Barbara Flaherty reported on the Board Chairmans' meeting conducted Tuesday, June 24, 2003 with Secretary Donsia Strong Hill. Issues discussed related to the fee study by Grant Thornton, department budget and possible means of cutting expenses. Two areas that incur large expenditures are board travel, printing and postage costs. Ways to reduce expenses in these areas are being explored.

The Board is concerned about the lack of a full board and having a quorum in order to conduct business.

**TRAVEL
NATIONAL-INTERSTATE COUNCIL (NIC) OF STATE BOARDS OF
COSMETOLOGY, SACRAMENTO, CA
AUG. 23-25, 2003**

MOTION: Denise Svetly moved, seconded by Laura Jenkins, to send Barbara Flaherty to the National Interstate Council (NIC) of State Boards of Cosmetology, August 23-25, 2003 in Sacramento, Ca. Motion carried unanimously.

**ADMINISTRATIVE RULES
FINAL ADOPTION OF CLEARINGHOUSE RULE 02-058**

MOTION: Denise Svetly moved, seconded by Bruce Bennett, to adopt Clearinghouse Rule 02-058 in the final draft form as submitted to the Legislature under Wis. Stat. ss 227.19 and no further review of the rule is to be made by the Board prior to publication in the Wisconsin Administrative Code. Lee Martinez abstained. Motion carried.

**PROPOSED CHANGES TO APPRENTICE SUPERVISION RE: ALAILY, INC.
CORRESPONDENCE**

The Board reviewed proposed changes to BC 6.04 (1)(b) "During periods when the manager is temporarily away from the establishment, supervisory responsibility for apprentices may be assumed by a licensed barber or cosmetologist who has completed at least 4,000 hours of practice under the supervision of a licensed manager". Mr. Schweitzer will change 4,000 hours to 2,000 hours of practice on the draft language.

LEGISLATION

STATUS OF PROPOSED LEGISLATIVE CHANGE RE: DEFINITIONS; AESTHETICS, ELECTROLOGIST, MANICURING TO NAIL TECHNOLOGY AND MANICURIST TO NAIL TECHNOLOGIST, SEC. 454.01(2), (8), (13), AND (14) STATS.

MOTION: Denise Svetly moved, seconded by Bruce Bennett, to grant statutory authority to the Board to create educational requirements for performing waxing. Motion carried unanimously.

STATUS OF PROPOSED LEGISLATIVE CHANGE RE: FELONY CONVICTIONS, SEC. 454.06(1) (B), STATS.

The Board reviewed and made no changes.

**EXAMINATION AND EDUCATION CURRICULUM ADVISORY COMMITTEE
REPORT REGARDING MEN'S TAPER HAIR CUTTING TRAINING**

A concern was brought before the board that students are not proficient at shaving or clipper cuts due to lack of hands-on practical experience. The committee was formed to study the curriculum and divide the subject material and hours in proposal form.

Laura Jenkins reported that the Curriculum Advisory Committee reviewed and discussed a proposed BC 5.02 "Practitioner License Syllabus" which included subjects, theory hours and practical hours. She thinks this study needs a larger group of people to study the curriculum and divide the subject material and hours in proposal form.

MOTION: Laura Jenkins moved, seconded by Lee Martiniz, to request that Secretary Donsia Strong Hill form an advisory committee made up of individuals who are experts to redefine the school curriculum, identify a process for identifying professional practices, study whether or not 1,800 hours is the appropriate amount of hours for training and that the committee develop a letter to public, private and specialty schools and expand it to include all of the practices, request for hours, hourly suggestions for curriculum, in all the practices. Motion carried unanimously.

APPROVE JUNE 27, 2003 TELECONFERENCE MINUTES

MOTION: Laura Jenkins moved, seconded by Bruce Bennett, to approve the minutes of June 27, 2003 as written. Motion carried unanimously.

CREDENTIALING

Nothing to report.

PRACTICE ISSUES
EPA APPROVAL OF BARBICIDE RE: KING RESEARCH CORRESPONDENCE

The Board reviewed an announcement from King Research regarding EPA approval of Barbicide for effectiveness against Hepatitis B virus. The Barbicide label now states effectiveness against HIV and HBV. This disinfectant complies with OSHA's new bloodborne pathogens standard.

DIVISION OF ENFORCEMENT

Presented proposed Stipulation in the matter concerning Reesasue L. Pieper.

LEGAL COUNSEL REVIEW

Nothing to report.

NEW BUSINESS

The Board requested that Darwin Tichenor contact Continental Testing and gather information on the qualifications of the examiners conducting the examinations. Questions have been raised regarding the qualifications of the examiners.

BOARD MEMBER ACTIVITY

None.

MISCELLANEOUS CORRESPONDENCE AND INFORMATION

NIC formed a new partnership with PCS for delivery of administrative services in conjunction with all NIC written and practical examinations.

Minutes, bylaws, and 48th NIC Annual Conference reminder from NIC was noted.

CLOSED SESSION

MOTION: Barbara Flaherty moved, seconded by Laura Jenkins, to convene to closed session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Barbara Flaherty-yes, Laura Jenkins-yes, Leon Lauer-yes, Lee Martinez-yes, Denise Svetly-yes, Bruce Bennett-yes.

Open session recessed at 11:30 a.m.

The Board deliberated on monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests and case status reports. Lee Martinez left at 11:45 a.m.

RECONVENE INTO OPEN SESSION

MOTION: Denise Svetly moved, seconded by Bruce Bennett, to reconvene into open session at 11:57 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT

None.

CASE CLOSINGS

01 BAC 054

MOTION: Bruce Bennett moved, seconded by Denise Svetly, to close case 01 BAC 054 for no violation. Motion carried unanimously.

01 BAC 085

MOTION: Bruce Bennett moved, seconded by Denise Svetly, to close case 01 BAC 085 for prosecutorial discretion (P5). Motion carried unanimously.

STIPULATIONS

JAMES B. GILL, SALON AURA (APPLETON)

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning James B. Gill, Salon Aura (Appleton). Motion carried unanimously.

DOUGLAS C. SCHEFFLER (APPLETON)

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Douglas C. Scheffler (Appleton). Motion carried unanimously.

**TARA R. SHEEHY (SUN PRAIRIE), DALE E. NELSON (MADISON),
HEAD GAMES SALON (MADISON)**

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Tara R. Sheehy (Sun Prairie), Dale E. Nelson (Madison), Head Games Salon (Madison). Motion carried unanimously.

GERALYN S. SAUTER (GREENVILLE)

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning GERALYN S. SAUTER (Greenville). Motion carried unanimously.

TUAN V. PHAN (MILWAUKEE)

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Tuan V. Phan (Milwaukee). Motion carried unanimously.

TRADE SECRETS #7733 (RACINE)

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Trade Secrets #7733 (Racine). Motion carried unanimously.

PHAN T. DOAN (LAKE GENEVA)

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Phan T. Doan (Lake Geneva). Motion carried unanimously.

BRENDA S. DICKS (ELKHORN)

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Brenda S Dicks (Elkhorn). Motion carried unanimously.

**DALE AND DONNA BAKER
D/B/A EUROPEAN NAIL, AND SKIN CENTER (BROOKFIELD)**

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Dale and Donna Baker d/b/a European Nail, and Skin Center. Motion carried unanimously.

**REESASUE L. PIEPER
D/B/B/ REESAS HAIR HUT (GREEN BAY)**

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Reesasue L. Pieper d/b/a/ Reesas Hair Cut. Motion carried unanimously.

MOTION: Bruce Bennett moved, seconded by Laura Jenkins to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation for all stipulations presented in closed session. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

02 BAC 084

MOTION: Bruce Bennett moved, seconded by Denise Svetly, to accept the administrative warning 02 BAC 084 as written. Motion carried unanimously.

EXAMINATION ISSUES

None.

REQUEST FOR APPEAL OF DENIAL

None.

APPLICATION AMY VEITH REQUEST FOR MANAGER'S LICENSE

MOTION: Denise Svetly moved, seconded by Laura Jenkins, to deny Amy Veith's request for a manager's license and request Jan Bobholz write a letter to Amy Veith informing her she needs to retake the exam and reapply for a managers license. Motion carried unanimously

REINSTATEMENT REQUESTS

None

NEXT MEETING AGENDA ITEMS

- Clearly define "Supervision" BC 2
- Draft language BC 6.04(1)(b) from 4,000 hours of practice under supervision to 2,000 hours.
- Draft language 454.01 - Board authority
- Darwin Tichenor, Continental Testing – provide information on the qualifications of examiners.
- Anonymous complaints - Discuss requirement of signing complaint forms to make it legal.
- Judy Mender – input on barbering skills taught or not taught in schools.
- Board travel, alternating between National Association of Barber Boards of America and NIC Conference the next year (discuss)
- DOE presentation regarding grid and whether to increase amounts.

ADJOURNMENT

MOTION: Bruce Bennett moved, seconded by Laura Jenkins, to adjourn the meeting at 12:05 a.m. Motion carried unanimously.

Next Meeting Date: October 6, 2003